

REMARKS

Claim Rejections

The Examiner has rejected claims 1-4, 6, 8-10 under 35 USC 102(a) as unpatentable over Saenger et al. (U.S. Patent Publication No. US 2003/0129798). The Examiner has rejected claim 5 under 35 USC 103(a) as unpatentable over Saenger et al. (U.S. Patent Publication No. US 2003/0129798) in combination with Chou et al. (US 5,933,748). The Applicants respectfully traverse. The cited references, either individually or in combination, fail to teach or render obvious all of the elements of the Applicants' claimed invention. In particular the cited references fail to teach the element of independent claim 1 of "*forming a second electrode within the trench over the pair of walls and the bottom, wherein the second electrode is formed adjacent to but electrically separate from the first electrode.*" In contrast, Saenger teaches forming two conductive layers 36 and 38 within a trench, but the conductive metal layer 38 is formed on top of the thin conductive layer 36. This is very different from the formation of two separate and distinct electrodes that are electrically separated from one another as illustrated, for example, in the Applicants' figures 3a, 3b, and 3c. Chou fails to teach the formation of electrodes at all and was cited to teach the deposition of a polysilicon layer on the nitride layer and then oxidizing the polysilicon layer to form nitride/oxide within the trench. Therefore, the Applicants respectfully submit that the cited references fail to teach or render obvious all of the elements of independent Claim 1 and the claims that depend upon and incorporate the limitations of independent Claim 1.

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If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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